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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ALLEN *et al.*

Group Art Unit: 1632

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Serial No.: 09/887,541

Examiner: Paras Jr., Peter

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Filed: June 21, 2001

Attorney Docket No.: R-17

TECH CENTER 1600/2000

For: TRANSGENIC MICE CONTAINING PAFR GENE DISRUPTIONS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office communication mailed September 3, 2002, concerning the Examiner's restriction of the claims, Applicant hereby provisionally elects, with traverse, Group III (claims 8 and 10), drawn to a non-human transgenic animal comprising a disruption in a platelet-activating factor receptor (PAFR) gene and a method of producing a transgenic mouse comprising a disruption in a PAFR gene.

In the restriction, the Examiner asserts that claims 1-16 are drawn to six distinct subjects, grouped as: Invention I (claims 1-4), drawn to a targeting construct homologous to the PAFR gene and methods of producing the targeting construct; Invention II (claims 5-7 and 9), drawn to cells comprising a disruption in PAFR; Invention III (claims 8 and 10), drawn to a non-human transgenic animal comprising a disruption in a PAFR gene and a method of producing a transgenic mouse comprising a disruption in a PAFR gene; Invention IV (claims 11 and 12), drawn to methods of identifying agents that modulate the expression or function of PAFR by screening the agent in non-human transgenic animals and determining whether the expression or function is modulated; Invention V (claims 13-15), drawn to methods of identifying agents that modulate the expression or function of PAFR in a cell *in vitro*; and Invention VI (claim 16), drawn to agents that modulate the expression or function of PAFR. Applicant respectfully requests reconsideration and withdrawal of the requirement.

The Examiner asserts that the products of Inventions I, II, III and VI are unrelated, each from the other, because the different inventions have different modes of operation, different functions and

different effects, and are thus patentably distinct inventions. The Applicant disagrees with the Examiner's assertion in that the claims of Inventions I, II, III and VI are related to one another. Therefore, a separate search or examination would not unduly burden the Examiner.

The Examiner further asserts that the claims of Inventions IV and V are patentably distinct inventions, having distinct purpose, distinct methodologies and distinct products. The Applicant disagrees with the Examiner's conclusion in that the claims of Invention IV and Invention V are related to one another, and therefore a separate search or examination that would seriously burden the Examiner would not be required.

The Examiner also asserts that the claims of Inventions I, II, III and VI are patentably distinct from the claims of Inventions IV and V, as the inventions have different modes of operation, different function and different effects from the other. The Applicant disagrees with the Examiner's conclusion, in that the claims of Inventions I, II, III and VI and the claims of Inventions IV and V are related. A separate search or examination on these claims can be made without serious burden to the Examiner.

Although Applicant has provisionally elected Group III for purposes of advancing prosecution of the present application, Applicant contends, for the foregoing reasons, that the restriction requirement is improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the requirement.

Respectfully submitted,

Date: 4 November 2002


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Enclosures